

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DAVID AND LORI PAULEY,

Plaintiffs,

v.

Civil Action No. 2:19-cv-00048

ADAM BREINIG, D.O.,

Defendant.

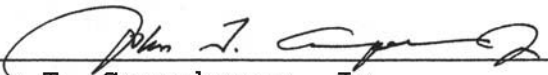
MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Dwane L. Tinsley, entered on April 10, 2019; and the magistrate judge having recommended that the court dismiss this matter for lack of subject matter jurisdiction pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure, and deny the plaintiffs' Application to Proceed Without Prepayment of Fees and Costs; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that the findings made in the Proposed Findings and Recommendation of the magistrate judge be, and hereby are, adopted by the court and incorporated herein.

It is, accordingly, ORDERED that the plaintiffs' complaint be, and hereby is, dismissed without prejudice.

The Clerk is directed to forward copies of this memorandum opinion and order to the plaintiffs, all counsel of record, and the United States Magistrate Judge.

DATED: June 7, 2019



John T. Copenhaver, Jr.
Senior United States District Judge